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Drug Free Workplace Policy

We acknowledge the problem of substance abuse, including alcohol, in our society. Furthermore, we see substance abuse as a serious threat to our associates and customers. We are addressing this problem by establishing a substance abuse policy to ensure the Company will have a drug-free workplace.

Drug and alcohol addiction is a complex, yet treatable disease. For this reason, our substance abuse program is targeted at alleviating this problem at the community level by involving associates. Our policies are designed to not only eradicate drug abuse in our workplace, but to also encourage drug users to seek and successfully complete rehabilitation. Our commitment to eradicating substance abuse in the community reflects our firm belief that by building this community, we build our Company.

While we understand associates and applicants under a physician's care may be required to use prescription or over-the-counter drugs, abuse of prescribed or over-the-counter medication will be dealt with in the same manner as the abuse of illegal substances.

Associates who voluntarily seek help for a drug or alcohol problem will be eligible for health benefits and/or sick and /or other leave for purposes of treatment. Nothing in this policy, however, shall limit the Company's right to enforce appropriate disciplinary measures for violation of Company policy, including (if necessary) termination of employment, nor does it bind the Company to payment for any care provided beyond the Company's existing associate benefits.

Any associate who, in good faith and based on reasonable suspicion, reports an alleged violation of this policy, or any supervisory or managerial associate who investigates or takes action in good faith based on reasonable suspicion, shall not be harassed, retaliated against, or discriminated against in any way for making reports or participating in any investigation or action based thereon.

Some associates have been deemed to be in a safety-sensitive position. Safety-sensitive positions are those occupied by the people who have direct and indirect control of situations that can result in undesirable events and create hazards. Associates holding safety-sensitive positions are not to use alcohol within four (4) hours of reporting to work or during the hours that they are on call. In general, drivers, transportation management and mechanics are in safety-sensitive positions but other positions may also and those associates will be notified if they fall under this classification.

With these basic objectives in mind, the Company has established the following policy with regard to drugs and alcohol.

A. PROHIBITION OF DRUGS

All associates are absolutely prohibited from using, possessing, soliciting, distributing, manufacturing, selling, attempting to sell, or being under the influence of illegal drugs or other illegal activities related to illegal substances while on duty, on Company property, or on any work site. Associates who violate this policy will be subject to discipline up to and including termination of

employment. As used in this policy, an "illegal drug" is any drug: (a) which is not legally obtainable; (b) which may be legally obtainable but has not been legally obtained; or (c) which is being used in a manner or for a purpose other than as prescribed.

B. PROHIBITION OF ALCOHOL

All associates are absolutely prohibited from using, possessing, distributing, manufacturing, selling, attempting to sell, or being under the influence of alcohol while on duty, while on Company property, or on any work site. Alcohol includes distilled spirits, wine, malt beverages, and intoxicating liquors. Exceptions may be made for Company sponsored activities as approved by management. However, this does not relieve the associate from the responsibility of using moderation and judgment in the use of alcohol at all times. Associates who violate this policy will be subject to discipline up to and including discharge.

C. DISCLOSURE OF USE OF PRESCRIPTION MEDICATION AND OVER THE COUNTER MEDICATION

All associates must notify Human Resources when under any medication that may limit or impair their ability to perform their job. Verification of any and all medication may be required. Where prescription medication is involved, verification may include the associate submitting a copy of a prescription with a physician's statement showing medication required and dates of use within 24 hours of the request by Human Resources. Failure to do so may result in discipline up to and including termination of employment.

D. DISCLOSURE OF CRIMINAL CHARGES AND CONVICTION NOTIFICATION

Associates who are convicted or sentenced for on or off the job illegal drug activity will be considered in violation of this policy and subject to discipline up to and including termination of employment. Associates must report such occurrences to the Company no more than forty-eight (48) hours after the incident or they will be considered in violation of this policy.

Associates who drive company vehicles or those who drive as a function of their job (6 or more times a year) are held to the highest standard of conduct with respect to drug and alcohol offenses involving the operation of a motor vehicle. Failure to report criminal charges and/or convictions as stated above, will result in corrective action up to and including termination of employment.

Under no circumstance can an associate who drives a Company vehicle or those who drive as a function of their job, drive on a suspended driver's license. An associate who drives on a suspended license will be terminated.

E. PRE-EMPLOYMENT DRUG TESTING

All job applicants at our Company will undergo screening for the presence of illegal drugs as a condition for employment. Applicants will be required to submit to a test at a qualified laboratory chosen by the Company.

Any applicant who refuses to take the test, delays in taking the test (as defined by management) or whose test results are positive or confirmed non-negative will be denied employment at that time, but may initiate another inquiry with the Company after one (1) year.

F. DRUG AND ALCOHOL TESTING

The Company will maintain testing practices to identify current associates who are under the influence of illegal drugs or alcohol. Associates who receive a non-negative, confirmed test may be terminated, even on the first offense.

Delivery drivers are subject to required drug/alcohol testing by both state and federal regulations. The Company has determined that all delivery drivers are in "safety-sensitive" positions. The driver must comply with the drug/alcohol policy while on Company time and/or where stated otherwise in this policy and in the FP Alcohol and Controlled Substances Policy for Drivers.

It shall be a condition of continued employment for all associates to submit to a test when requested. Associates who are directed to submit to such a test must do so immediately as authorized, and the associate who refuses, delays or fails to do so shall be deemed to be guilty of misconduct and subject to termination. Drug and/or alcohol testing may occur under the following circumstances:

1. **Reasonable Suspicion** – If there is a belief (based on observations, facts and reasonable inferences) by a manager trained in recognizing the symptoms of drug and/or alcohol use that any associate is using drugs or alcohol in violation of this policy, drug and/or alcohol testing will be required.

2. **Post Accident/Injury** - When there is any mishap or accident involving the associate in which injury to persons or damage to property has occurred. (First-aid injuries not requiring medical attention are not subject to this scrutiny). With regard to alcohol, an associate may also be determined to be "under the influence of alcohol" for purposes of this policy if the associate has a blood alcohol level of .04 or higher. Drivers may have different thresholds, as defined by state or federal regulations. Testing must occur within twenty-four (24) hours of the incident. No alcohol may be consumed for eight hours after the accident or until a test in conducted, whichever occurs first. The associate shall remain readily available for testing or maybe deemed to have refused to submit to testing and will be subject to discipline up to and including termination of employment.

3. **Return-To-Duty / Follow Up** - Associates may be required to undergo drug and/or alcohol testing when returning from certain medical leaves or rehabilitation. When any associate, in the course of employment, utilizes the Employee Assistance Program (EAP) for drug related problems or an alcohol or drug rehabilitation program, the Company will require the associate, without advance notice, to submit to a minimum of six (6) drug and/or alcohol tests as a follow up to the program for up to one year after their return to work.

4. **Random Testing** - The Company may require a department or job classification of associates to undergo drug and/or alcohol testing on a random selection basis. One of the groups that will be subject to this is drivers required to hold a CDL for their job. On an annual basis, all associates who carry a CDL as a requirement of their job will be subject to drug testing at a rate of 50% of covered associates and alcohol testing at a rate of 10% of covered associates (see FP Alcohol and Controlled Substance Policy for Drivers).

The random selection process will ensure that all associates will be equally subject to being selected and the Company will not have the discretion to waive the selection of any associate. The random selection procedure will be conducted by a third party administrator. If selected for random testing, the associate must proceed immediately to the testing center. Failure to follow the directive will constitute refusal to test, and will be subject to discipline up to an including termination of employment.

G. REFUSAL TO TEST

Any person, who refuses to comply with a request for a drug/alcohol test, provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution will be guilty of misconduct and subject to discipline up to and including termination of employment. Likewise, any person who is sent for a drug/alcohol test does not do so immediately, is not readily accessible, does not provide a urine sample or sufficient breath test (without valid medical explanation), or fails to sign Step 2 of the U.S.D.O.T breath alcohol testing form (if applicable) is considered to have refused to comply with the drug/alcohol policy.

Additionally, if you are injured on the job and refuse to test or falsify a test or test positive or have non-negative results, you will be subject to termination of employment and will be responsible for any expenses related to the work injury and denied worker's compensation.

H. TESTING METHODS

For all associates, the testing will be for: marijuana, cocaine, opiates, phencyclidine, and amphetamines. Chain of custody and control forms will be utilized to ensure the integrity of the sample. A split sample method of collections will be used.

For all drivers, if an initial drug screen is positive or a non-negative, a second test is performed on the primary sample to validate this result. If the second test results of the primary sample are positive or non-negative, the associate may request, within seventy-two (72) hours of being notified by a medical review officer, that the second urine sample be tested by a different federal certified laboratory at his/her cost. If the results of the test of the second specimen fail to reconfirm the presence of the drugs/metabolites found in the primary sample, the test will be invalidated and considered a negative result.

For all other associates, a result of a confirmed positive or confirmed non-negative will result in disciplinary action, up to an including termination of employment.

In testing drivers for the presence of alcohol, breath alcohol testing procedures as established by the D.O.T. will be utilized to ensure the integrity of the test. All other associates will be tested by trained technicians. Initial alcohol tests will be confirmed with a second breath alcohol test.

I. POSITIVE or NON-NEGATIVE DRUG TEST RESULTS

For all associates and under all drug testing situations, unless otherwise stated, a confirmed positive drug test result subjects the associates to immediate removal from a safety-sensitive position (if

applicable), referral to a substance abuse professional (SAP), and immediate termination of employment from the Company.

All diluted positive drug test results will be treated as a confirmed positive test. No additional test will be taken based on the fact that the specimen was dilute. All diluted negative test will result in a second test immediately following the notification of the results. If the creatinine concentration of the specimen was equal to or greater than 2mg/dL but less than or equal to 5 mg/dL, the recollection will be under direct observation. If the dilute specimen is greater than 5 mg/dL, it will not be under observation. A validated negative dilute result is considered a valid negative test.

J. POSITIVE ALCOHOL TEST RESULTS

For all associates and under all alcohol testing situations for drivers, unless otherwise stated, a breath alcohol concentration of .02 - .339 will subject the associate to: (i) immediate removal from the safety-sensitive position (if applicable), (ii) unpaid three day suspension, (iii) referral to a SAP/EAP, and (iv) advised that a second breath alcohol concentration at this level will result in discharge. Any associate or driver who receives a breath alcohol concentration of .04 or higher will be advised of a SAP and immediately terminated from employment.

K. CONFIDENTIALTIY

All drug/alcohol tests will be administered by a Company designated facility and test results will be confidential except for disclosure to management personnel on a "need to know" basis, or upon the written consent of the associate or applicant. Drug screening results will not be included in the associate's/applicant's personnel file.

L. EMPLOYEE EDUCATION AND ASSISTANCE PROGRAM

In an effort to help Associates understand the issues surrounding substance abuse, the Company has established an ongoing education program. This program includes information about the dangers of substance abuse, the Company's Substance Abuse Policy, information about treatment services available and the penalties for violation of the Substance Abuse Policy.

The Company also provides drug and alcohol dependency evaluation and referral services for substance abuse counseling, treatment and rehabilitation as part of an Employee Assistance Program (EAP). Associates are encouraged to seek assistance through this program and a decision to seek assistance from the EAP will not be used as the basis for disciplinary action prior to being chosen for testing, positive alcohol or drug test result or other violation of this Policy. On the other hand, using the EAP will not be considered a defense to stop a disciplinary action when the Company becomes aware of a positive drug test or other violation of this Policy outside of the EAP. No Employee shall be able to avoid disciplinary action for violation of this Policy if he or she does not meet the standards of job performance established for his or her position even if the individual's lack of performance is due to alcoholism or drug dependency.

The Employee Assistance Program is administered through a third party vendor as part of the company provided benefits and is available to all associates and their immediate family members. This is a confidential program, maintained solely by the third party at no cost to the employee. Associates may contact the EAP through http://myinfo.sysco.com, access code 71034 or by calling the Benefits Hotline (800-557-9726 Option 4).

M. COMPLIANCE WITH APPLICABLE LAW

This Policy has been adopted by the Company with the intent to comply with federal and state regulations. To the extent any portion of this Policy is determined to be contrary to the requirements of any applicable federal or state statutes, rules or regulations, the rest of the policy will remain valid and enforceable.

N. RESPONSIBILITY FOR ADMINISTRATION

This Policy shall be uniformly administered to insure fairness to all Employees of the Company. The Human Resource Department is responsible for administering this Policy. This responsibility includes: (1) communicating the Policy to all Employees; (2) disseminating drug and alcohol awareness information and making information regarding the Employee Assistance Program available to all Employees; (3) providing appropriate training to supervisory personnel; and (4) administering this Policy fairly and consistently throughout the Company. The Company will provide advisory and technical assistance and is responsible for insuring uniform administration of the Policy throughout the organization.

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Drug Free Workplace Acknowledgement

I hereby acknowledge that I have received and read the company's Drug Free Workplace Policy. I understand that I must abide by the program as a condition of my employment. I understand that during my employment I may be required to submit to a controlled substances and/or alcohol test and that submission to such testing is a condition of employment. I further understand that disciplinary action, up to and including termination, may result if I refuse to submit to such testing or if the test results show a violation of company policy.

Employee Signature: _____ Date: _____

Print Name: _____